

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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LATEACHEEAH G. ANDERSON
SALVATTO, and RICHARD
SALVATTO, individually and as
Guardians for JAMAL THROWER, a
minor,

CASE NO. S-04-0163 WBS GGH

Plaintiffs,

v.

ORDER

COUNTY OF SOLANO, CITY OF
VALLEJO, COUNTY OF SOLANO
SHERIFF'S DEPARTMENT,
LIEUTENANT LIDDICOET,
OFFICER K. McCARTHY, VALLEJO
POLICE DEPARTMENT, WATCH
COMMANDER K. SCHROEDER,
CORPORAL B. CLARK, OFFICER
WHITNEY,

Defendants.

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This matter came on for hearing on December 12, 2005.

Defendants moved for summary judgment under Federal Rule of Civil Procedure 56(c), and plaintiffs responded with a Rule 56(f) motion to stay defendants' motion. After consulting with the parties, the court makes the following orders:

1 I. PREVIOUS DATES AND PLEADINGS

2 This court's scheduling order of April 9, 2004, as
3 amended on August 25, 2005, and all dates set therein, are hereby
4 vacated. All pleadings subsequent to that scheduling order are
5 hereby ordered stricken.

6 II. FURTHER STATUS CONFERENCE

7 A further status conference is scheduled for March 17,
8 2006 at 9:00 a.m. The parties shall submit their status reports
9 seven days before that conference. At that time, the court will
10 consider a new scheduling order.

11 III. AMENDMENTS TO THE COMPLAINT

12 Plaintiffs have 30 days from the date of this order to
13 file a motion to amend the complaint.

14 IV. REOPENING OF DISCOVERY PROCEEDINGS

15 Good cause having been shown, discovery proceedings are
16 reopened until a new deadline for discovery is established at the
17 March 17, 2006 status conference.

18 V. SANCTIONS

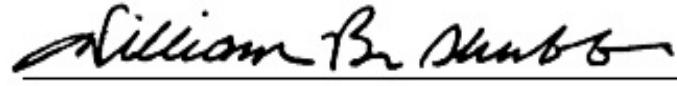
19 Pursuant to Federal Rule of Civil Procedure 56(f),
20 which permits the court, in granting a party's motion to stay or
21 refuse the opposing party's motion for summary judgment, to "make
22 such other order as is just," as a condition of granting
23 plaintiffs' request the court orders plaintiffs to pay
24 defendants' costs incurred in preparing the motion for summary
25 judgment. Defendants moved for summary judgment in good faith
26 reliance on the close of discovery and pursuant to the court's
27 scheduling order of April 9, 2004, as amended on August 25, 2005.
28 As a result of the court's granting of plaintiffs' request the

1 work of defendants' counsel in preparing that motion has now been
2 for naught. Defendants should not be penalized for these
3 actions.

4 Defendants have submitted an affidavit, establishing
5 attorneys fees incidental to preparing the motion in the amount
6 of \$1,462.50, and plaintiffs are ordered to pay defendants that
7 amount. (See Whitefeet Decl. ¶ 9.) To the extent that
8 plaintiffs must personally pay these fees, their remedy is
9 against their previous attorney.

10 IT IS SO ORDERED.

11 DATED: December 16, 2005

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13 WILLIAM B. SHUBB
14 UNITED STATES DISTRICT JUDGE

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